

Appl. No. : 10/719,547
Filed : November 21, 2003

REMARKS

Restriction to one of the following groups was required under 35 USC 121:

- Group I Claim 2, (1, 7, 12-17 and 20-24), drawn to a flavivirus mutant comprising the Δ 30 mutation, classified in class 424, subclass 218.1.
- Group II Claims 3 and 8, (1, 7, 12-17 and 20-24), drawn to a dengue virus type 1 flavivirus mutant, classified in class 424, subclass 218.1
- Group III Claims 4 and 9, (1, 7, 12-17 and 20-24), drawn to a dengue virus type 2 flavivirus mutant, classified in class 424, subclass 218.1.
- Group IV Claims 5 and 10 (1, 7, 12-17 and 20-24), drawn to a dengue virus type 3 flavivirus mutant, classified in class 424, subclass 218.1.
- Group V Claims 6 and 11 (1, 7, 12-17 and 20-24), drawn to a dengue virus type 4 flavivirus mutant, classified in class 424, subclass 218.1.
- Group VI Claims 18 and 19, drawn to a method of producing neutralizing antibodies, classified in class 435, subclass 4.
- Group VII Claims 25 and 26, drawn to cDNA and RNA, classified in class 536, subclass 23.1.
- Group VIII Claims 27 and 28, drawn to a method of making a mutant flavivirus, classified in class 435, subclass 69.1.
- Group IX Claims 29 and 32, drawn to a method of identifying a mutation that restricts replication in human liver cells, classified in class 435, subclass 4.
- Group X Claims 30 and 32, drawn to a method of identifying a mutation that promotes growth in Vero cells, classified in class 435, subclass 4.
- Group XI Claim 31, drawn to a method of assembling a menu of mutations for use in fine-tuning the attenuation and growth characteristics of recombinant dengue viruses, classified in class 435, subclass 4.

In response to this Restriction Requirement, Applicant elects Group V, that is Claims 6 and 11 (1, 7, 12-17 and 20-24), with understanding that upon allowance of linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to

Appl. No. : 10/719,547
Filed : November 21, 2003

examination in the instant application. Currently, Claims 1, 7, 12-17 and 20-24 link inventions I-V.

Additionally, restriction was required if Group I was elected to a one mutation from Tables 1-37. Applicant elects charge-cluster-to-alanine mutations 200, 201 from Table 37.

Rejoinder

The Examiner has requested restriction between product and process claims. Applicant has elected the product claims of Group I with understanding that when the product claim is found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP §821.04 and fully examined for patentability in accordance with 37 CFR 1.104.

Appl. No. : 10/719,547
Filed : November 21, 2003

CONCLUSION

In view of the foregoing, Applicant respectfully requests that this application be passed to issuance. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

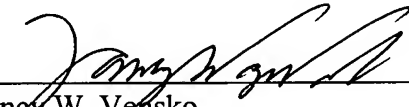
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

9/28/05

By: _____


Nancy W. Vensko
Registration No. 36,298
Attorney of Record
Customer No. 45,311
(805) 547-5580

1941855
092005